

## EXHIBIT 2

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

SOUTHERN COAL CORPORATION;  
A & G COAL CORPORATION;  
BANDY COAL LLC; BLACK RIVER  
COAL LLC; BLUESTONE COAL  
CORPORATION; CHESTNUT LAND  
HOLDINGS LLC; DOUBLE BONUS  
COAL COMPANY; FRONTIER COAL  
COMPANY INC; JUSTICE ENERGY  
COMPANY INC; JUSTICE  
HIGHWALL MINING INC;  
KENTUCKY FUEL CORPORATION;  
KEYSTONE SERVICE INDUSTRIES  
INC; NINE MILE MINING INC;  
NUFAC MINING COMPANY INC;  
PAY CAR MINING INC; PREMIUM  
COAL COMPANY INC; TAMS  
MANAGEMENT INC; VIRGINIA  
FUEL CORPORATION, INC.; S AND  
H MINING, INC.; SEQUOIA  
ENERGY; TAMS MANAGEMENT,  
INC.; VIRGINIA FUELS CORP.,

Defendants.

Declaration of Thomas Charboneau

Case No.

DECLARATION

I, Thomas Charboneau, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am the Director of the Office of Assessments, Mine Safety and Health Administration (MSHA), U.S. Department of Labor, in Arlington, Virginia. The Office of Assessments collects civil monetary penalties for violations of the Federal Mine Safety

and Health Act of 1977, as amended, 30 U.S.C. § 801 *et seq.* (Mine Act) and of mine safety and health standards issued under the Mine Act. The Office of Assessments administers all activities for the proposal of the dollar amounts of civil penalties and the administrative processing of all civil penalty assessments that become final orders of the Federal Mine Safety and Health Review Commission (FMSHRC) as well as associated cash and debt management activities. These activities include collecting and accounting for all delinquent civil penalties.

2. In the course of my duties, I have access to certain computer records of the Office of Assessments and MSHA. I oversaw a search of the records within my custody and control in connection with the citations for safety and health violations issued by MSHA, and civil monetary penalties assessed by FMSHRC, at the mines listed in the attached spreadsheet.

3. As reflected in the attached charts, MSHA proposed civil monetary penalties since May 3, 2014, for no fewer than:

a. 118 violations at mines operated by A & G Coal Corporation, MSHA proposed civil penalties that become final orders of FMSHRC in the principal amount of not less than \$544,532.97.

b. 3 violations at mines operated by Bandy Coal LLC, MSHA proposed civil penalties that become final orders of FMSHRC in the principal amount of not less than \$407.00.

c. 11 violations at mines operated by Black River Coal LLC, MSHA proposed civil penalties that become final orders of FMSHRC in the principal amount of not less than \$86,041.00.

d. 10 violations at mines operated by Bluestone Coal Corporation, MSHA proposed civil penalties that become final orders of FMSHRC in the principal amount of not less than \$2,167.00.

e. 2 violations at mines operated by Chestnut Land Holdings LLC, MSHA proposed civil penalties that become final orders of FMSHRC in the principal amount of not less than \$411.53.

f. 19 violations at mines operated by Double Bonus Coal Company, MSHA proposed civil penalties that become final orders of FMSHRC in the principal amount of not less than \$97,103.00.

g. 39 violations at mines operated by Frontier Coal Company Inc, MSHA proposed civil penalties that become final orders of FMSHRC in the principal amount of not less than \$11,684.31.

h. 36 violations at mines operated by Justice Energy Company Inc, MSHA proposed civil penalties that become final orders of FMSHRC in the principal amount of not less than \$14,561.15.

i. 16 violations at mines operated by Justice Highwall Mining Inc, MSHA proposed civil penalties that become final orders of FMSHRC in the principal amount of not less than \$4,075.42.

j. 12 violations at mines operated by Kentucky Fuel Corporation, MSHA proposed civil penalties that become final orders of FMSHRC in the principal amount of not less than \$63,378.42.

k. 7 violations at mines operated by Keystone Service Industries Inc, MSHA proposed civil penalties that become final orders of FMSHRC in the principal amount of not less than \$849.92.

l. 9 violations at mines operated by Nine Mile Mining Inc, MSHA proposed civil penalties that become final orders of FMSHRC in the principal amount of not less than \$11,465.78.

m. 111 violations at mines operated by Nufac Mining Company Inc, MSHA proposed civil penalties that become final orders of FMSHRC in the principal amount of not less than \$25,543.09.

n. 354 violations at mines operated by Pay Car Mining Inc, MSHA proposed civil penalties that become final orders of FMSHRC in the principal amount of not less than \$663,669.70.

o. 4 violations at mines operated by Premium Coal Company Inc, MSHA proposed civil penalties that become final orders of FMSHRC in the principal amount of not less than \$455.86.

p. 45 violations at mines operated by Tams Management Inc, MSHA proposed civil penalties that become final orders of FMSHRC in the principal amount of not less than \$31,419.69.

q. 10 violations at mines operated by Virginia Fuels Corporation, MSHA proposed civil penalties that become final orders of FMSHRC in the principal amount of not less than \$3,981.56.

4. All the violations and penalties referred to in ¶ 3 became final orders within the meaning of §§ 105(a) & (d) of the Mine Act. 30 U.S.C. §§ 815(a) & (d).

5. The amounts described in ¶ 3 are past due and owing to the United States and have not been paid.

6. Statutory pre-judgment interest has accrued on the amounts described in ¶ 3 in the amount of not less than \$1,561,747.40 for no less than 806 violations as of April 30, 2019.

7. The violations and amounts described above are in addition to those that have been referred to the Department of Treasury for collection.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed in Arlington, DATED this 3<sup>rd</sup> day of May, 2019



THOMAS CHARBONEAU

Director

Office of Assessments

Mine Safety and Health Administration

<b>Jillean Justice (Controller ID: 0091855) &amp; James Justice (Controller ID: C04355) MSHA Debt</b>				
<b>Violator ID</b>	<b>Violator Name</b>	<b>Number of Cases</b>	<b>Number of Violations</b>	<b>Total of Owed</b>
P21141	A & G Coal Corporation	14	118	\$544,532.97
0132995	Bandy Coal LLC	1	3	\$407.00
0121130	Black River Coal LLC	1	11	\$86,041.00
P02030	Bluestone Coal Corporation	1	10	\$2,167.00
0118409	Chestnut Land Holdings LLC	2	2	\$411.53
0053059	Double Bonus Coal Company	1	19	\$97,103.00
0083104	Frontier Coal Company Inc	3	39	\$11,684.31
0089765	Justice Energy Company Inc	5	36	\$14,561.15
0051938	Justice Highway Mining Inc	4	16	\$4,075.42
0059863	Kentucky Fuel Corporation	6	12	\$63,378.42
P18954	Keystone Service Industries Inc	4	7	\$849.92
0099325	Nine Mile Mining Inc	7	9	\$11,465.78
0095328	Nufac Mining Company Inc	13	111	\$25,543.09
0074803	Pay Car Mining Inc	12	354	\$663,669.70
P02174	Premium Coal Company Inc	2	4	\$455.86
0108546	Tams Management Inc	12	45	\$31,419.69
0112288	Virginia Fuels Corporation	7	10	\$3,981.56
<b>Totals</b>		<b>95 Cases</b>	<b>806 Violations</b>	<b>\$1,561,747.40</b>

Jillean Justice (Controller ID: 0091855) & James Justice (Controller ID: C04355) MSHA Debt						
Assessment Case Number	Violator ID	Violator Name	Mine ID	Assessment Case Number	Count of Violation No (Assessed).	Sum of Owed
000399126	P21141	A & G Coal Corporation	4407160	000399126	7	\$82,234.00
000422235	P21141	A & G Coal Corporation	4406992	000422235	19	\$60,893.00
000428879	P21141	A & G Coal Corporation	4406992	000428879	19	\$89,094.46
000431971	P21141	A & G Coal Corporation	4406992	000431971	3	\$22,813.00
000433849	P21141	A & G Coal Corporation	4406992	000433849	5	\$6,646.00
000438545	P21141	A & G Coal Corporation	4406992	000438545	3	\$40,251.00
000441115	P21141	A & G Coal Corporation	4407228	000441115	3	\$368.63
000443396	P21141	A & G Coal Corporation	4407228	000443396	2	\$235.04
000484998	P21141	A & G Coal Corporation	4407160	000484998	1	\$270.00
000346270	P21141	A&G Coal Corporation	4404534	000346270	2	\$8,952.57
000346286	P21141	A&G Coal Corporation	4404534	000346286	4	\$30,694.56
000352768	P21141	A&G Coal Corporation	4404534	000352768	1	\$9,941.35
000353549	P21141	A&G Coal Corporation	4404534	000353549	47	\$138,466.86
000353996	P21141	A&G Coal Corporation	4404534	000353996	2	\$53,672.50
Totals					118 Violations	\$544,532.97
			4 Mines	14 Cases		



Jillean Justice (Controller ID: 0091855) & James Justice (Controller ID: C04355) MSHA Debt						
Assessment Case Number	Violator ID	Violator Name	Mine ID	Assessment Case Number	Count of Violation No (Assessed).	Sum of Owed
000367941	0132995	Bandy Coal, LLC	4406859	000367941	3	\$407.00
<b>Totals</b>			<b>1 Mine</b>	<b>1 Case</b>	<b>3 Violations</b>	<b>\$407.00</b>

Jillean Justice (Controller ID: 0091855) & James Justice (Controller ID: C04355) MSHA Debt						
Assessment Case Number	Violator ID	Violator Name	Mine ID	Assessment Case Number	Count of Violation No (Assessed).	Sum of Owed
000389543	0121130	Black River Coal, LLC	4406859	000389543	11	\$86,041.00
Totals			1 Mine	1 Case	11 Violations	\$86,041.00

Jillean Justice (Controller ID: 0091855) & James Justice (Controller ID: C04355) MSHA Debt						
Assessment Case Number	Violator ID	Violator Name	Mine ID	Assessment Case Number	Count of Violation No (Assessed).	Sum of Owed
000486935	P02030	Bluestone Coal Corporation	4603404	000486935	10	\$2,167.00
Totals			1 Mine	1 Case	10 Violations	\$2,167.00

Jillean Justice (Controller ID: 0091855) & James Justice (Controller ID: C04355) MSHA Debt						
Assessment Case Number	Violator ID	Violator Name	Mine ID	Assessment Case Number	Count of Violation No (Assessed).	Sum of Owed
000441545	0118409	Chestnut Land Holdings, LLC	4602380	000441545	1	\$117.53
000481760	0118409	Chestnut Land Holdings, LLC	4602380	000481760	1	\$294.00
Totals			1 Mine	2 Cases	2 Violations	\$411.53

Jillean Justice (Controller ID: 0091855) & James Justice (Controller ID: C04355) MSHA Debt						
Assessment Case Number	Violator ID	Violator Name	Mine ID	Assessment Case Number	Count of Violation No (Assessed).	Sum of Owed
000334457	0053059	Double Bonus Coal Company	4609020	000334457	19	\$97,103.00
Total			1 Mine	1 Case	19 Violations	\$97,103.00

Jillean Justice (Controller ID: 0091855) & James Justice (Controller ID: C04355) MSHA Debt						
Assessment Case Number	Violator ID	Violator Name	Mine ID	Assessment Case Number	Count of Violation No (Assessed).	Sum of Owed
000439719	0083104	Frontier Coal Company, Inc.	4609227	000439719	36	\$11,077.31
000444491	0083104	Frontier Coal Company, Inc.	4609227	000444491	2	\$472.00
000484065	0083104	Frontier Coal Company, Inc.	4609227	000484065	1	\$135.00
<b>Totals</b>			<b>1 Mine</b>	<b>3 Cases</b>	<b>39 Violations</b>	<b>\$11,684.31</b>

Jillean Justice (Controller ID: 0091855) & James Justice (Controller ID: C04355) MSHA Debt						
Assessment Case Number	Violator ID	Violator Name	Mine ID	Assessment Case Number	Count of Violation No (Assessed).	Sum of Owed
000468428	0089765	Justice Energy Company Inc	4606578	000468428	9	\$2,137.00
000472562	0089765	Justice Energy Company Inc	4606578	000472562	1	\$118.00
000478875	0089765	Justice Energy Company Inc	4606578	000478875	13	\$3,807.15
000484558	0089765	Justice Energy Company Inc	4606578	000484558	1	\$121.00
000486477	0089765	Justice Energy Company Inc	4606578	000486477	12	\$8,378.00
<b>Totals</b>			<b>1 Mine</b>	<b>5 Cases</b>	<b>36 Violations</b>	<b>\$14,561.15</b>

Jillean Justice (Controller ID: 0091855) & James Justice (Controller ID: C04355) MSHA Debt						
Assessment Case Number	Violator ID	Violator Name	Mine ID	Assessment Case Number	Count of Violation No (Assessed).	Sum of Owed
000479251	0051938	Justice Highwall Mining Inc.	4609239	000479251	2	\$241.42
000483611	0051938	Justice Highwall Mining Inc.	4609239	000483611	2	\$392.00
000485010	0051938	Justice Highwall Mining Inc.	4609239	000485010	5	\$1,118.00
000487182	0051938	Justice Highwall Mining Inc.	4609239	000487182	7	\$2,324.00
<b>Totals</b>			<b>1 Mine</b>	<b>4 Cases</b>	<b>16 Violations</b>	<b>\$4,075.42</b>



Jillean Justice (Controller ID: 0091855) & James Justice (Controller ID: C04355) MSHA Debt						
Assessment Case Number	Violator ID	Violator Name	Mine ID	Assessment Case Number	Count of Violation No (Assessed).	Sum of Owed
000379788	0059863	Kentucky Fuel Corporation	1519758	000379788	2	\$62,175.42
000445918	0059863	Kentucky Fuel Corporation	1513254	000445918	3	\$348.00
000479535	0059863	Kentucky Fuel Corporation	1517021	000479535	1	\$133.70
000481461	0059863	Kentucky Fuel Corporation	1517021	000481461	1	\$118.65
000481463	0059863	Kentucky Fuel Corporation	1517894	000481463	1	\$118.65
000485055	0059863	Kentucky Fuel Corporation	1517021	000485055	4	\$484.00
<b>Totals</b>			<b>4 Mines</b>	<b>6 Cases</b>	<b>12 Violations</b>	<b>\$63,378.42</b>

Jillean Justice (Controller ID: 0091855) & James Justice (Controller ID: C04355) MSHA Debt						
Assessment Case Number	Violator ID	Violator Name	Mine ID	Assessment Case Number	Count of Violation No (Assessed).	Sum of Owed
000441119	P18954	Keystone Service Industries, Inc.	4603444	000441119	2	\$236.92
000473125	P18954	Keystone Service Industries, Inc.	4603444	000473125	2	\$236.00
000483596	P18954	Keystone Service Industries, Inc.	4603444	000483596	1	\$135.00
000485003	P18954	Keystone Service Industries, Inc.	4603444	000485003	2	\$242.00
<b>Totals</b>			<b>1 Mine</b>	<b>4 Cases</b>	<b>7 Violations</b>	<b>\$849.92</b>

Jillean Justice (Controller ID: 0091855) & James Justice (Controller ID: C04355) MSHA Debt						
Assessment Case Number	Violator ID	Violator Name	Mine ID	Assessment Case Number	Count of Violation No (Assessed).	Sum of Owed
000321500	0099325	Nine Mile Mining, Inc.	4407252	000321500	1	\$6,627.21
000332225	0099325	Nine Mile Mining, Inc.	4407252	000332225	3	\$1,507.47
000336003	0099325	Nine Mile Mining, Inc.	4407252	000336003	1	\$2,756.81
000347822	0099325	Nine Mile Mining, Inc.	4407252	000347822	1	\$177.26
000371713	0099325	Nine Mile Mining, Inc.	4407252	000371713	1	\$156.65
000478868	0099325	Nine Mile Mining, Inc.	4407252	000478868	1	\$119.38
000484549	0099325	Nine Mile Mining, Inc.	4407252	000484549	1	\$121.00
Totals			1 Mine	7 Cases	9 Violations	\$11,465.78

Jillean Justice (Controller ID: 0091855) & James Justice (Controller ID: C04355) MSHA Debt						
Assessment Case Number	Violator ID	Violator Name	Mine ID	Assessment Case Number	Count of Violation No (Assessed).	Sum of Owed
000477459	0095328	Nufac Mining Company Inc	4609316	000477459	1	\$118.00
000481243	0095328	Nufac Mining Company Inc	4609316	000481243	1	\$250.00
000482941	0095328	Nufac Mining Company Inc	4609316	000482941	2	\$242.00
000486952	0095328	Nufac Mining Company Inc	4609316	000486952	1	\$121.00
000454366	0095328	Nufac Mining Company, Inc	4608786	000454366	30	\$257.82
000456604	0095328	Nufac Mining Company, Inc	4608786	000456604	25	\$6,738.00
000472962	0095328	Nufac Mining Company, Inc	4608786	000472962	5	\$1,458.00
000477447	0095328	Nufac Mining Company, Inc	4608786	000477447	4	\$472.00
000479242	0095328	Nufac Mining Company, Inc	4608786	000479242	13	\$1,568.45
000482934	0095328	Nufac Mining Company, Inc	4608786	000482934	2	\$242.00
000484891	0095328	Nufac Mining Company, Inc	4608786	000484891	12	\$3,223.00
000486942	0095328	Nufac Mining Company, Inc	4608786	000486942	14	\$10,694.00
000440464	0095328	Nufac Mining Company, Inc	4608769	000440464	1	\$158.82
<b>Totals</b>					<b>111 Violations</b>	<b>\$25,543.09</b>
			<b>3 Mines</b>	<b>13 Cases</b>		

Jillean Justice (Controller ID: 0091855) & James Justice (Controller ID: C04355) MSHA Debt						
Assessment Case Number	Violator ID	Violator Name	Mine ID	Assessment Case Number	Count of Violation No (Assessed).	Sum of Owed
000291172	0074803	Pay Car Mining Inc	4608884	000291172	5	\$37,359.99
000440180	0074803	Pay Car Mining Inc	4609389	000440180	1	\$156.79
000444989	0074803	Pay Car Mining Inc	4608884	000444989	5	\$955.00
000459785	0074803	Pay Car Mining Inc	4608884	000459785	9	\$2,154.00
000470446	0074803	Pay Car Mining Inc	4608884	000470446	4	\$1,348.00
000472376	0074803	Pay Car Mining Inc	4608884	000472376	17	\$48,226.00
000474594	0074803	Pay Car Mining Inc	4608884	000474594	69	\$103,409.04
000476873	0074803	Pay Car Mining Inc	4608884	000476873	9	\$22,037.88
000478672	0074803	Pay Car Mining Inc	4608884	000478672	93	\$204,555.00
000482529	0074803	Pay Car Mining Inc	4608884	000482529	63	\$106,094.00
000484392	0074803	Pay Car Mining Inc	4608884	000484392	46	\$83,549.00
000486293	0074803	Pay Car Mining Inc	4608884	000486293	33	\$53,825.00
Totals					354 Violations	\$663,669.70

Jillean Justice (Controller ID: 0091855) & James Justice (Controller ID: C04355) MSHA Debt						
Assessment Case Number	Violator ID	Violator Name	Mine ID	Assessment Case Number	Count of Violation No (Assessed).	Sum of Owed
000366443	P02174	Premium Coal Company Inc	4002467	000366443	1	\$100.00
000479012	P02174	Premium Coal Company Inc	4002467	000479012	3	\$355.86
<b>Totals</b>			<b>1 Mine</b>	<b>2 Cases</b>	<b>4 Violations</b>	<b>\$455.86</b>

Jillean Justice (Controller ID: 0091855) & James Justice (Controller ID: C04355) MSHA Debt						
Assessment Case Number	Violator ID	Violator Name	Mine ID	Assessment Case Number	Count of Violation No (Assessed).	Sum of Owed
000321510	0108546	Tams Management, Inc	4608716	000321510	7	\$6,680.15
000329653	0108546	Tams Management, Inc	4608716	000329653	2	\$5,216.26
000336016	0108546	Tams Management, Inc	4608716	000336016	4	\$1,082.53
000338777	0108546	Tams Management, Inc	4608716	000338777	3	\$3,176.53
000341183	0108546	Tams Management, Inc	4608716	000341183	2	\$2,192.57
000394454	0108546	Tams Management, Inc	4608716	000394454	8	\$4,640.20
000426361	0108546	Tams Management, Inc	4608716	000426361	13	\$1,809.40
000440886	0108546	Tams Management, Inc	4604734	000440886	1	\$117.53
000443210	0108546	Tams Management, Inc	4604734	000443210	1	\$117.52
000445593	0108546	Tams Management, Inc	4604734	000445593	1	\$116.00
000445598	0108546	Tams Management, Inc	4608716	000445598	1	\$6,029.00
000487353	0108546	Tams Management, Inc	4604734	000487353	2	\$242.00
Totals				12 Cases	45 Violations	\$31,419.69

Jillean Justice (Controller ID: 0091855) & James Justice (Controller ID: C04355) MSHA Debt						
Assessment Case Number	Violator ID	Violator Name	Mine ID	Assessment Case Number	Count of Violation No (Assessed).	Sum of Owed
000384180	0112288	Virginia Fuels Corporation	4406947	000384180	1	\$686.91
000405561	0112288	Virginia Fuels Corporation	4407275	000405561	1	\$103.95
000445831	0112288	Virginia Fuels Corporation	4407275	000445831	1	\$116.00
000366459	0112288	Virginia Fuels Corporation	4406230	000366459	1	\$224.00
000399119	0112288	Virginia Fuels Corporation	4406230	000399119	2	\$212.70
000445821	0112288	Virginia Fuels Corporation	4406230	000445821	1	\$116.00
000445830	0112288	Virginia Fuels Corporation	4407253	000445830	3	\$2,522.00
<b>Totals</b>			<b>4 Mines</b>	<b>7 Cases</b>	<b>10 Violations</b>	<b>\$3,981.56</b>